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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

October 27, 1981

Honorable Judy Kany
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Kany:

This will respond to your inquiry concerning Legislative Document No. 522, a direct initiative entitled "AN ACT to Create the Maine Energy Commission." Your question may be stated as follows: if L.D. 522 is approved by the voters, would the Maine Energy Commission have the authority, under 35 M.R.S.A. § 19, to issue revenue bonds without further authorization by either the Legislature or the people, or both?

In considering this matter, we have decided to expand the scope of our opinion to encompass the Commission's authority not only with respect to revenue bonds, but also with respect to general obligation bonds, grants, loans and gifts, and appropriations. Two factors prompted this decision. First, in addition to revenue bonds, 35 M.R.S.A. § 19 specifically refers to these other means of raising revenue, and the inquiries to my Office indicate that the same questions exist in these areas. Second, a determination of the bill's intent with respect to these other revenue raising devices will assist in resolving your specific inquiry.^{1/}

^{1/} Certain matters of form should be explained at the outset. First, references to the "Commission" mean the Maine Energy Commission. Second, except when expressly stated to the contrary, references to sections of Title 35 are to those sections as they will read if L.D. 522 is enacted. Finally, for reasons of style, our discussion is frequently presented as if L.D. 522 were already enacted.